

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Benito Alvarez Jr.

Docket No. 5:15-MJ-1253-1

Petition for Action on Probation

COMES NOW Lee Holmes, Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Benito Alvarez Jr., who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 4), was sentenced by the Honorable Robert T. Numbers, II, U.S. Magistrate Judge, on February 1, 2017, to 12 months probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant submitted a urine sample that tested positive for marijuana on April 4, 2017. The defendant admitted to using marijuana to relieve stress. Also, on April 4, 2017, the defendant was charged with Driving While License Revoked (17CR703164) in Harnett County, North Carolina. The defendant was given a verbal reprimand and instructed not to drive on the highways of North Carolina until licensed to do so is restored. At this time we are recommending that drug aftercare conditions be modified to the original judgement. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

Supervising U.S. Probation Officer

/s/ Lee Holmes

Lee Holmes

Probation Officer

150 Rowan Street Suite 110

Fayetteville, NC 28301

Phone: 910-354-2568

Executed On: April 14, 2017

Benito Alvarez Jr.
Docket No. 5:15-MJ-1253-1
Petition For Action
Page 2

ORDER OF THE COURT

Considered and ordered on May 30, 2017 . It is further ordered that this document shall be filed and made a part of the records in the above case.

Robert T. Numbers II

Robert T. Numbers, II
United States Magistrate Judge